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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Bradley, et al. :
Application No. 10/059,554 :
Filed: January 30, 2002 :
Attorney Docket No. AUS920010743US1 :

This is a decision on the petition under 37 CFR 1.181 filed on July 2, 2006, to withdraw the holding of abandonment in the above-cited application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed December 1, 2004, which set a shortened statutory period for reply of three-months from its mailing date. No response was received within the allowable period, and the application became abandoned on March 2, 2005. A Notice of Abandonment was mailed on June 16, 2006.

Petitioner argues that a reply the non-final Office action was transmitted via facsimile on March 1, 2005, and received by the Office. As evidence of the same, petitioner provides the Auto-Reply Transmission that was allegedly returned to petitioner after the response to the non-final Office action was transmitted.

The petition cannot be granted on the basis of the Auto-Reply Transmission Sheet because the Auto-Reply transmission sheet, as seen in the Image File Wrapper of the application is illegible. Petitioner must file a legible copy of the Auto-Reply Transmission Sheet, or a copy of the response allegedly transmitted on March 1, 2005, containing a certificate of transmission in compliance with 37 CFR 1.8.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
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Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.



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